IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Ya'Vaundre M. Richardson,	)	Case No. 2:21-cv-03935-DCC
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
Dir. Ray, Lt. Sweat, Ssgt. Davis, Sr.	)	
Cpl. Glisson, and Sr. Cpl. Gregg-Wright,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff's complaint alleging violations of his

civil rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In accordance with 28 U.S.C.

§ 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United

States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and

Recommendation ("Report"). On July 25, 2022, Defendants filed a motion for summary

judgment. ECF No. 21. On that same day, the Magistrate Judge issued an Order

pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir.1975), advising Plaintiff of the

summary judgment/dismissal procedure and the possible consequences if he failed to

respond adequately. ECF No. 22. Despite the explanation of the summary

judgment/dismissal procedure and the possible consequences for failing to respond,

Plaintiff did not respond. On September 6, 2022, the Magistrate Judge issued an order

directing Plaintiff to file a response by September 20, 2022. ECF No. 56. Plaintiff did not

file a response. On September 26, 2022, the Magistrate Judge issued an Order directing

Defendants to re-serve their Motion for Summary Judgment on Plaintiff and extended

Plaintiff's response deadline to October 24, 2022. ECF No. 29. On November 2, 2022,

the Magistrate Judge again extended Plaintiff's response deadline to November 21, 2022,

and warned Plaintiff that a failure to respond could result in dismissal of his claims for

failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and for failure to

comply with this Court's orders. ECF No. 32. Plaintiff did not respond. On November

29, 2022, the Magistrate Judge issued a Report recommending that this action be

dismissed pursuant to Federal Rule of Civil Procedure 41(b) and the motion for summary

judgment be found as moot. ECF No. 35. The Magistrate Judge advised Plaintiff of the

procedures and requirements for filing objections to the Report and the serious

consequences if he failed to do so. Plaintiff failed to file objections and the time in which

to do so has lapsed.[1]

The Magistrate Judge makes only a recommendation to this Court. The

recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or

modify, in whole or in part, the recommendation made by the Magistrate Judge or

recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. *See*

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[1] The Court specifically incorporates the Magistrate Judge's discussion regarding the Court's attempts to mail documents to Plaintiff's address. ECF No. 35 at 1–2.

Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (citation omitted)).

As stated above, Plaintiff has not objected to the Magistrate Judge's Report. Accordingly, after considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. This action is **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 41(b). The motion for summary judgment [21] is **FOUND as MOOT**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

January 31, 2023
Spartanburg, South Carolina